

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WILLIAM H. DOURLAIN,

Plaintiff,

5:05-CV-1174
(NAM)(GJD)

v.

INTERNAL REVENUE SERVICE,

Defendant.

APPEARANCES:

WILLIAM H. DOURLAIN
Plaintiff, *pro se*

GUSTAVE J. DI BIANCO, U.S. MAGISTRATE JUDGE

ORDER

The Clerk has sent to the Court an action brought pursuant to the Freedom of Information Act, 5 U.S.C. § 552(a) ("FOIA") by *pro se* plaintiff William H. Dourlain.¹ Plaintiff has also filed an *in forma pauperis* application.

Plaintiff states that he submitted a FOIA request for documents to the Internal Revenue Service ("IRS") on or about May 3, 2005. By letter dated May 27, 2005, the IRS responded to plaintiff's FOIA request and enclosed two documents. Plaintiff appealed this determination to the IRS appeals division. By letter dated June 23, 2005 plaintiff's appeal was acknowledged and plaintiff was advised that a response "may take several weeks." *Id.* ex. 6. Plaintiff states that as of the date he filed his complaint in this action, no response had been received on his appeal. Plaintiff seeks an order of this Court directing the production of the requested documents. For a complete statement of plaintiff's claims, reference is made to the complaint.

¹ Plaintiff has filed several tax-related cases in the Northern District. *See Dourlain v. United States*, 5:04-CV-0372 (NAM/DEP); *Dourlain v. Commissioner of Taxation*, 5:03-CV-1086 (NAM/DEP); *Dourlain v. United States*, 5:02-CV-1179 (NAM/GJD); *Dourlain v. United States*, 5:01-CV-1439 (NAM/GJD); *Dourlain v. United States*, 5:01-CV-1251 (NAM/GJD).

As noted, plaintiff seeks leave to proceed with this action *in forma pauperis*. Plaintiff's supporting application indicates that plaintiff is employed, that he owns both a house and a boat, and that he has no dependents. Dkt. No. 2. This information is not sufficient to establish financial need entitling plaintiff to proceed with this action *in forma pauperis*. Accordingly, plaintiff's *in forma pauperis* application is denied, without prejudice to his filing a renewed application. Any such renewed application must contain detailed information regarding plaintiff's financial condition, such as payroll statements, evidence of indebtedness, etc.

WHEREFORE, it is hereby

ORDERED, that plaintiff's *in forma pauperis* application (Dkt. No. 2) is **DENIED WITHOUT PREJUDICE** to his filing a renewed application containing additional information as discussed above, and it is further

ORDERED, that plaintiff either pay the statutory filing fee for this matter or file a renewed *in forma pauperis* application **within thirty (30) days** of the filing date of this Order, and it is further

ORDERED, that upon plaintiff's compliance with this Order and, in all events, **no later than November 15, 2005**, the Clerk return the file to the Court for further consideration, and it is further

ORDERED, that the Clerk serve a copy of this Order on plaintiff.

Dated: October 13, 2005



Hon. Gustave J. DiBianco
U.S. Magistrate Judge